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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,470	09/23/2003	Jon D. Shutter	N0174US	2934

37583 7590 01/06/2005

NAVIGATION TECHNOLOGIES
222 MERCHANDISE MART
SUITE 900, PATENT DEPT.
CHICAGO, IL 60654

EXAMINER

HERNANDEZ, OLGA

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,476 ~~6~~ ⁸ ~~8~~ ⁸

Applicant(s)

VIZZINI ET AL.

Examiner

Olga Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 and 19-26 is/are allowed.
- 6) ☒ Claim(s) 1-8, 11, 13 and 16 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 12, 15, 17-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10704</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-8, 11, 13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Park (2003/0083813).

As per claim 1, Park discloses:

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- obtaining traffic data indicating a plurality of traffic conditions on a road network, the traffic data includes a location description for each of the traffic conditions (figures 1-6, paragraph [0037]);
- for each of the traffic conditions, converting the location description into a location reference code assigned by a traffic message supplier (paragraph [0058]); and
- transmitting the traffic messages representing the traffic conditions for broadcast to a plurality of end users, each of the traffic messages include the location reference code of one of the traffic conditions (figures 1-6, paragraph [0005], [0058]).

As per claim 2, Park discloses the alphanumeric description (paragraph [0058]).

As per claim 3, Park discloses the text description (paragraph [0058]).

As per claim 4, Park discloses:

- obtaining traffic data indicating a plurality of traffic conditions on a road network, the traffic data includes a location description for each of the traffic conditions (figures 1-6, paragraph [0037]);
- wherein the location description provides a main road along which the traffic condition exist and a cross road proximate the traffic condition of the main road (paragraph [0028]);
- for each of the traffic conditions, converting the location description into a location reference code assigned by a traffic message supplier (paragraph [0058]), wherein the main road and the cross road being

converted into the location reference code paragraphs [0028] and [0058])
and

- transmitting the traffic messages representing the traffic conditions for broadcast to a plurality of end users, each of the traffic messages include the location reference code of one of the traffic conditions (figures 1-6, paragraph [0005], [0058]).

As per claims 5, 6 and 7, Park discloses:

- obtaining traffic data indicating a plurality of traffic conditions on a road network, the traffic data includes a location description for each of the traffic conditions (figures 1-6, paragraph [0037]), wherein the location description provides a POI/address/landmark proximate the traffic condition on the road network (paragraph [0058] and [0028]);
- for each of the traffic conditions, converting the location description into a location reference code assigned by a traffic message supplier (paragraph [0058]) wherein the POI/address/landmark being converted into the location reference code paragraphs [0028] and [0058]); and
- transmitting the traffic messages representing the traffic conditions for broadcast to a plurality of end users, each of the traffic messages include the location reference code of one of the traffic conditions (figures 1-6, paragraph [0005], [0058]).

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As per claim 8, Park discloses the position of the traffic condition (lat. & long.) converted into the reference code (paragraph [0058] and [0005]).

As per claim 11, Park discloses the conversion table (paragraph [0058]).

As per claim 13, Park discloses the use of the geographic database (figures 5 and 6).

As per claim 16, Park discloses the direction affected by the traffic condition (paragraph [0005]).

Allowable Subject Matter

4. Claims 9, 10, 12, 15 and 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claim 14, 19-26 is allowed.

Conclusion

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 10/7/04 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

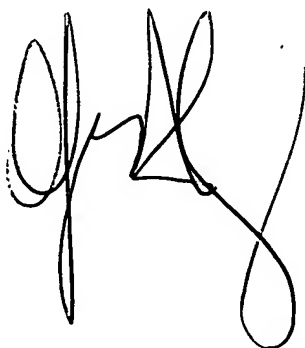
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

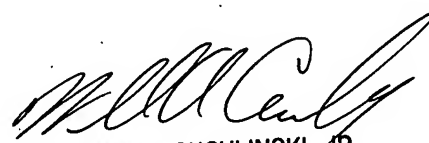
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is (571) 272-7144. The examiner can normally be reached on Monday through Thursday from 6:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Olga Hernandez
Examiner
Art Unit 2144



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